Office of the Information Commissioner of Canada

2013–14

Report on Plans and Priorities

The original version was signed by

The Honourable Robert Douglas Nicholson, PC, QC, MP
Minister of Justice and Attorney General of Canada

Suzanne Legault
Information Commissioner of Canada

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Message from the Commissioner

This report sets out the plans and priorities for my office for 2013–2014, the 30th year of its existence. Established under the *Access to Information Act* in 1983, the Office of the Information Commissioner was given the mandate to conduct efficient, fair and confidential investigations into complaints about federal institutions' handling of access requests.

This mandate is as essential now as it was three decades ago, and we have put the organization on a firm footing to carry it out. We streamlined our investigative process and have closed more than 6,700 cases since April 2009, upgraded our information technology, delivered a full range of training to investigators, and made good progress stabilizing our senior management team.

With this foundation in place, we now turn to the future. Our goal is to achieve the highest level of performance in investigating access to information complaints and to become an effective catalyst for advancing access to information and fostering openness and transparency.

At the same time, however, we must respond to indications that institutions are struggling to meet their access obligations. Recent statistics show clear deterioration in the timeliness of answers to requests. The number of complaints is also increasing. A jump in administrative complaints, in particular, suggests that institutions are having difficulty carrying out their most basic duties under the Act. In light of these disquieting developments, we will be targeting groups of complaints at specific institutions, while declining institutional performance may require the reinstatement of the annual report cards earlier than planned.

Our overarching purpose is to ensure that the rights the Act confers are respected. This law, a world leader when it was introduced, now lags behind more progressive statutes and is hindering the ability of my office to deliver its mandate. In my role as advisor to Parliament, I will be developing and presenting in 2013–2014, based on input from stakeholders, recommendations to Parliament on the much-needed modernization of the Act.

We will be carrying out our work under tight fiscal limitations. We constantly use our resources to their maximum effect and develop innovative responses to challenges that arise. By making every dollar count, we are striving to continue to deliver exemplary service to Canadians.

Section I: Organizational Overview

Raison d'être

The Information Commissioner of Canada reports directly to the House of Commons and Senate. The Office of the Information Commissioner of Canada ensures that the rights conferred to information requesters by the *Access to Information Act* are respected, which ultimately enhances transparency and accountability across the federal government.

For administrative purposes, the Minister of Justice is responsible for submitting this organization's *Report on Plans and Priorities* and *Departmental Performance Report*.

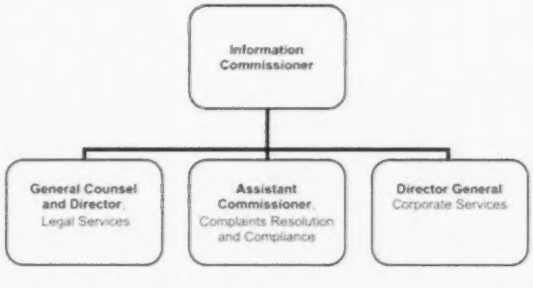
Responsibilities

The Office of the Information Commissioner (OIC) is an independent public body set up in 1983 under the *Access to Information Act*.[1] Our primary responsibility is to conduct efficient, fair and confidential investigations into complaints about federal institutions' handling of access to information requests. We strive to maximize compliance with the Act while fostering disclosure of public sector information using the full range of tools, activities and powers at the Commissioner's disposal.

We primarily use mediation and persuasion to resolve complaints. In doing so, we give complainants, heads of federal institutions and all third parties affected by complaints a reasonable opportunity to make representations. We encourage institutions to disclose information as a matter of course and to respect Canadians' rights to request and receive information, in the name of transparency and accountability. We bring cases to the Federal Court to ensure that the Act is properly applied and interpreted, with a view to maximizing disclosure of information.

We also support the Information Commissioner in her advisory role to Parliament and parliamentary committees on all matters pertaining to access to information. We actively make the case for greater freedom of information in Canada through targeted initiatives such as Right to Know Week, and ongoing dialogue with Canadians, Parliament and federal institutions.[2]

The diagram at right shows the OIC's organizational structure.


Information Commissioner
General Counsel and Director, Legal Services
Assistant Commissioner, Complaints Resolution and Compliance
Director General Corporate Services

Legal Services represents the Commissioner in court and provides legal advice on investigations, legislative issues and administrative matters. It closely monitors the range of cases having a potential impact on our mandate and on access to information in general. Legal Services also assists investigators by providing them with up-to-date and customized reference tools on the evolving case law.

The **Complaints Resolution and Compliance Branch** investigates individual complaints about the processing of access requests, conducts dispute resolution activities and makes formal recommendations to institutions, as required. It also assesses federal institutions' compliance with their obligations and carries out systemic investigations and analysis.

Corporate Services provides strategic and corporate leadership for planning and reporting, communications, human resources and financial management, security and administrative services, internal audit, as well as information management and technology. It conducts external relations with a wide range of stakeholders, notably Parliament, governments and representatives of the media. It is also responsible for managing our access to information and privacy function.

Strategic Outcome and Program Alignment Architecture

Strategic Outcome	**Programs**
Requestors' rights under the *Access to Information Act* are safeguarded.	• Compliance with access to information obligations • Internal services

Organizational Priorities

Below are the OIC's three organizational priorities for 2013–2014. For details on activities associated with meeting each priority, see Section II, "Planning Highlights," page 11.

Priority	**Type**	**Program**
Exemplary service delivery to Canadians	Previously committed to	Compliance with access to information obligations
Description		
Why is this a priority? As the first level of independent review of institutions' handling of access to information		

requests, the OIC must, as a legislative obligation, carry out efficient, fair and confidential investigations.

Priority	Type	Program
A leading access to information system	Previously committed to	Compliance with access to information obligations
Description		
Why is this a priority? An efficient and modern access to information system benefits democracy by fostering transparency and citizen engagement. Vigorous oversight ensures that all players are living up to their obligations, while a modern legislative framework provides a solid foundation for the system based on current realities.		

Priority	Type	Program
An exceptional workplace	Previously committed to	Compliance with access to information obligations Internal services
Description		
Why is this a priority? Our work requires specialized expertise and skills that employees develop over time, through experience and training. It also benefits from collaboration among staff and their having access to up-to-date tools and knowledge. As a small organization, attracting the high-quality staff we need and, crucially, retaining them is essential to our being able to fulfill our mandate.		

Risk Analysis

Our financial situation. Like most other federal organizations, the OIC is in the process of absorbing successive and significant budget cuts—in our case, equalling roughly 8 percent of our budget since 2010–2011. This puts us at the limit of our financial and organizational flexibility. Beyond the general difficulty of operating within a very tight budget, we will also have to begin in 2013–2014 paying the costs of the relocation of our offices. This is being financed through an increase in appropriations, but in the form of a loan repayable over 15 years.

The changing complaints picture. In the second half of 2012–2013, our overall volume of complaints began to climb. If this trend continues, it could seriously stretch our investigative team, possibly resulting in our inventory of complaints growing. This risk is compounded by the uncertainty of why we are seeing this increase in complaints and what may lie ahead in terms of the number or type of files we will receive in 2013–2014. We suspect, however, that budget cuts may be a factor, since a jump in administrative complaints suggests that institutions are struggling to meet their basic obligations under the Act. A further risk is that these institutions will be unable to respond to our investigative queries in a timely manner, thus reducing our productivity, potentially requiring us to make our process more formal, inceasing litigation and, ultimately, having a negative impact on requesters' rights.

It must be said, however, that while we will certainly seek any further efficiencies we can to address circumstances such as these as they arise, the gains would be marginal at this point, given our successful efforts in the last three years to streamline our processes and enhance our performance. Any meaningful solution could only come in the form of an infusion of resources so we could increase our staff complement.

Our workforce. Our 2013 office move will likely have a negative impact on our productivity. Employees will be disrupted by the relocation and may be less efficient than previously while they get used to new work tools and space under Workplace 2.0. Staff may also leave the organization, due to the location of our new offices or other issues. This will require us to be prepared to recruit and hire replacements. Doing so will not bring us back to full capacity immediately, however, since skilled investigators are in short supply and any new staff we hire will need training. Further, high-quality consultants are also hard to find and are costly.

Meanwhile, we function with our Corporate Services group at its minimum size, having chosen to do so in order to dedicate more resources to investigations. As a result, key organizational information, skills and expertise rest in very few hands. This will require us to be vigilant in succession planning and make every effort to preserve corporate knowledge. It has also required us to develop new internal controls to compensate for our lack of depth in some functions.

Planning Summary

The following tables set out the OIC's planned spending for the fiscal years from 2013–2014 to 2015–2016, as well as corresponding human resources levels (full-time equivalents; FTEs).

Strategic Outcome	Program	Actual Spending 2010–11	Actual Spending 2011–12	Forecast Spending 2012–13	Planned Spending			Alignment to Government of Canada Outcomes
					2013–14	2014–15	2015–16	
Requestors' rights under the *Access to Information Act* are safeguarded.	Compliance with access to information obligations	8,724	8,757	9,709	9,166	8,624	8,624	Government Affairs: A transparent, accountable and responsive federal government.[3]
	Internal services	3,889	3,891	2,900	5,364	2,576	2,576	
Total		12,613	12,648	12,609	14,530	11,200	11,200	

Human Resources (FTEs)

2013–14	2014–15	2015–16
93	93	93

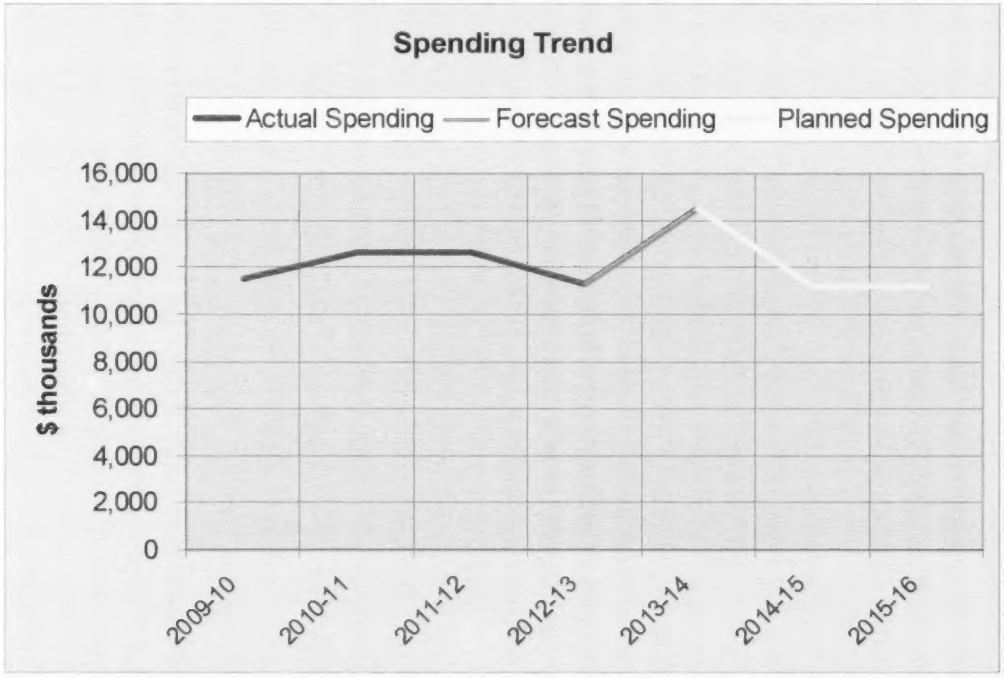
Expenditure Profile

Departmental Spending Trend

The OIC plans to spend a total of $14.5 million in 2013–2014. Of this total, $11.9 million will be dedicated to program work and internal services. The remaining $2.6 million is a loan to cover our office relocation in the fall of 2013. We will pay this amount back over 15 years.

This loan will cause us to diverge in 2013–2014 from our usual ratio of salaries to Operating and Maintenance (O&M) costs of 75:25 to 63:37, in percentage terms. We will return to the former ratio in 2014–2015. In both cases, one third of the O&M budget relates to fixed costs (excluding relocation costs in 2013–2014).

The following figure illustrates our spending trend from 2009–2010 to 2015–2016. The trend shows an increase in forecast spending in 2013–2014 to accommodate the move and then a decrease the following year to the level required by Budget 2012.



Estimates by Vote

For information on our organizational appropriations, please see the *2013–14 Main Estimates*.[4]

Section II: Analysis of Programs under Strategic Outcome

Strategic Outcome, Programs and Program Descriptions

Strategic Outcome

Requestors' rights under the *Access to Information Act* are safeguarded

Program

Compliance with access to information obligations

Program Description

The *Access to Information Act* is the legislative authority for the oversight activities of the Information Commissioner, which are: to investigate complaints from requestors; to review the performance of government institutions; to report the results of investigations/reviews and recommendations to complainants, government institutions, and Parliament; to pursue judicial enforcement; and to provide advice to Parliament on access to information matters. The Office of the Information Commissioner supports the Commissioner in carrying out these activities.

Financial Resources ($ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
9,166	9,166	8,624	8,624

Human Resources (FTEs)

2013–14	2014–15	2015–16
70	70	70

Program Expected Results	Performance Indicators	Targets
Canadians receive timely resolution of complaints about how federal	Percentage of administrative cases completed within 90 days	85 percent

institutions process access to information requests	Percentage of priority/early resolution cases completed within 6 months	75 percent
Institutions meet their obligations under the *Access to Information Act* and adopt measures to address institutional and systemic issues affecting access to information	Percentage of recommendations from investigations that are adopted	95 percent
	Percentage of recommendations from report cards and systemic investigations that are adopted	80 percent

Program

Internal services

Program Description

Internal services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. These activities and services are management and oversight; human resources; financial management; information management and technology; communications; material and acquisition services; travel and other administrative services; and internal audit. Internal services include only those activities and resources that apply across an organization and not those provided specifically to a program.

Financial Resources ($ thousands)

Total Budgetary Expenditures (Main Estimates) 2013-14	Planned Spending 2013–14	Planned Spending 2014–15	Planned Spending 2015–16
5,364	5,364	2,576	2,576

Note: the difference in planned spending between 2013–2014 and 2014–2015 is primarily the result of a one-time loan of $2.6 million in 2013–2014. This loan also skews our ratio of program costs to internal services. Without the loan amount, it is 77 percent to 23 percent, which is consistent with historic and future trends.

Human Resources (FTEs)

2013–14	2014–15	2015–16
23	23	23

Planning Highlights

New strategic plan. The 2013–2014 fiscal year will be the last under our current strategic plan, so an essential activity for the year will be developing a new plan for the subsequent three years.[5] The new plan will be focused on the goals of achieving the highest level of performance in investigating access to information complaints and becoming an effective catalyst for advancing access to information and fostering openness and transparency.

Exemplary service delivery to Canadians. In the last four years, we have significantly improved our operations and, as of December 31, 2012, had reduced our inventory of complaints by 21 percent from April 1, 2009.

We are now working to achieve a manageable inventory of 500 files by the end of 2015–2016, by focusing on meeting our targets of closing 85 percent of administrative cases in 90 days and 75 percent of priority/early resolution cases in six months. While we have achieved a high level of efficiency in internal operations, we will continue to review our various investigation tools, as required, to ensure they enable investigators to work as consistently and effectively as possible. We will complement this with clear communications with stakeholders, through advisory notices and in-person meetings, about our expectations and requirements with regard to investigations. With our various ongoing systemic investigations coming to a close, investigators will be able to devote more time to individual complaint files. In all instances, we will be striving to ensure institutions implement the vast majority of our recommendations, and will pursue legal action as required to maximize disclosure.

A leading access to information system. Beyond our investigations are other ways to oversee the access system and help ensure institutions comply with their obligations under the *Access to Information Act*. In 2013–2014, we will be, for example, monitoring the progress of institutions as they implement our previous recommendations for improvement.[6] We will also be striving to provide effective support to Parliament so it can carry out continuous and vigorous oversight of the access to information system.

Moreover, with signs that recent modest gains in institutional performance are eroding, we will be assessing various actions we could take in response. These include targeting specific categories of complaints, meeting with senior officials at particular institutions, making specific recommendations in investigation reports, pursuing cases before the courts and, possibly, reinstating our annual report cards. We will also continue a series of quarterly meetings with internal and external stakeholders we launched in January 2013, in an effort to work collaboratively with institutions to improve the investigation process.

To coincide with the 30th anniversary of the *Access to Information Act*, we will issue our recommendations for modernizing it. Our recommendations will attempt to place the Act in a 21st-century context, particularly in light of Canada's commitments under the international Open Government Partnership and leading access systems in other jurisdictions.[7]

An exceptional workplace. With most positions in our executive cadre filled, we will be focussing on a number of talent management initiatives to ensure we can recruit, develop and maintain high-calibre staff throughout the organization. Our plans include promoting training and development opportunities, identifying seats of corporate expertise and developing strategies for sharing that knowledge across the organization, identifying essential positions and developing succession plans for them, and continuing overall employee renewal.

Alongside talent management we will focus on performance management in 2013–2014. With excellence in all aspects of our work as the goal, this program will involve employees and managers together setting and measuring employee performance against specific objectives. This will help ensure each employee is achieving his or her maximum level of performance.

Our move to new offices in the fall of 2013 will give us modern accommodations for our staff. The relocation will also afford us the opportunity to pursue sharing services and facilities with fellow Agents of Parliament, who will be in the same building. At the same time we will examine government-wide common services initiatives to determine whether they could benefit the OIC. In both cases, we will weigh any advantages against any possibility of their compromising our independence or ability to deliver our mandate.

Finally, we will be diligently monitoring our very tight financial situation to ensure we can continue to provide exemplary service to Canadians while maintaining the operational integrity we have built in the past few years. If necessary, we will seek additional funds to help us ensure we can continue to meet our obligations under the *Access to Information Act*.

Section III: Supplementary Information

Financial Highlights

Future-Oriented Condensed Statement of Operations and Departmental Net Financial Position
For the year ended March 31 **($ thousands)**

	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total expenses	(51)	14,395	14,446
Total revenues	0	0	0
Net cost of operations before government funding and transfers	(51)	**14,395**	**14,446**
Departmental net financial position	1,937	**1,504**	**(433)**

Future-Oriented Condensed Statement of Financial Position
For the year ended March 31 **($ millions)**

	$ Change	Forecast 2013-14	Estimated Results 2012-13
Total net liabilities	17	1,836	1,819
Total net financial assets	228	836	608
Departmental net debt	(211)	1,000	1,211
Total non-financial assets	1,726	2,504	778
Departmental net financial position	1,937	**1,504**	**(433)**

Future-Oriented Financial Statements

The OIC's Future-Oriented Financial Statements can be found on our website.[8]

Tax Expenditures and Evaluations Report

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance publishes cost estimates and projections for these measures annually in the *Tax Expenditures and Evaluations* publication.[9] The tax measures presented in the *Tax Expenditures and Evaluations* publication are the sole responsibility of the Minister of Finance.

Section IV: Other Items of Interest

Organizational Contact Information

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Endnotes

[1] *Access to Information Act*: http://laws-lois.justice.gc.ca/eng/acts/A-1/

[2] Right to Know website: http://www.righttoknow.ca/en/Content/default.asp

[3] Whole-of-government framework: http://www.tbs-sct.gc.ca/ppg-cpr/descript-eng.aspx#bm04

[4] *2013-14 Main Estimates*: http://www.tbs-sct.gc.ca/ems-sgd/esp-pbc/me-bpd-eng.asp

[5] *OIC Strategic Plan, 2011–2014*: http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor-stategic-planning-plan-strategique_2011-2014.aspx

[6] See, for example, our May 2012 report cards: http://www.oic-ci.gc.ca/eng/rp-pr_spe-rep_rap-spe_rep-car_fic-ren_measuring-up-etre-a-la-hauteur.aspx

[7] Canada's Action Plan on Open Government: http://open.gc.ca/open-ouvert/ap-patb-eng.asp

[8] Future-Oriented Financial Statements: http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor_fofs-evif.aspx

[9] *Tax Expenditures and Evaluations Report*: http://www.fin.gc.ca/purl/taxexp-eng.asp